

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 2, 1998

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324a Proceeding
vs.)	
)	OCAHO Case No. 97A00142
EL RANCHITO, INC.,)	
Respondent)	

ORDER OF DISMISSAL-SETTLED

On July 21, 1997, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a six (6)-Count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging 14 paperwork violations for which civil money penalties totaling \$5,125 were sought.

On January 29, 1998, the parties filed a pleading captioned Joint Motion to Dismiss, together with a fully executed four (4) page Settlement Agreement, in which they advised that they had reached a compromise settlement of all matters in controversy.

Under section 68.14(a)(2) of the OCAHO Rules of Practice and Procedure, where the parties have entered into a proposed settlement agreement and have notified the Administrative Law Judge, a final dismissal of the action is subject to approval of the terms of the settlement agreement by the Administrative Law Judge.

Upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to section 68.14(a)(2).

Accordingly, it is found that:

1. Respondent has withdrawn its request for hearing on the merits;
2. That each party shall bear its own costs and attorney's fees;
3. That respondent will pay a civil money penalty in the total amount of \$4,100 in the manner set forth in the Settlement Agreement;

4. That it is appropriate to grant the parties' Joint Motion to Dismiss based upon the parties' notification made pursuant to section 68.14(a)(2); and

5. That complainant's July 21, 1998 Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 1998, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

Dea Carpenter
Associate General Counsel
Immigration and Naturalization Service
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Washington, D.C. 20536
(one copy sent via regular mail)

Thomas Day, Esquire
Immigration & Naturalization Service
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Joseph E. McGuire
Administrative Law Judge
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